

HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ARKEMA INC., a Pennsylvania Corporation,
and GENERAL METALS OF TACOMA, INC.,
a Washington Corporation,

Plaintiffs,

v.

ASARCO, Inc., a New Jersey Corporation;
BALFOUR GUTHRIE & CO., LTD., a
Delaware Corporation; SYGEN
INTERNATIONAL PLC, an English
Corporation; ECHO LUMBER CO., an Oregon
Corporation; GOODWIN JOHNSON (1960)
LTD., a Canadian Corporation; JOHNSON-
BYERS, INC., a Washington Corporation; JCI
JONES CHEMICALS, INC., a/k/a JONES
CHEMICAL COMPANY, INC., a New York
Corporation; MILGARD MANUFACTURING
INC., a Washington Corporation; DONALD E.
OLINE, a Washington resident; PETROLEUM
RECLAIMING SERVICE, INC., a Washington
Corporation; PORTAC, INC., a Washington
Corporation; and WEYERHAEUSER
COMPANY, a Washington Corporation;

Defendants.

NO. CV05-5087

**ORDER APPROVING SETTLEMENT AND
DISMISSING AND BARRING CLAIMS
AGAINST ECHO LUMBER CO.**

1
2 The Court, being fully advised in the premises and for good cause shown, hereby grants
3 Plaintiffs' Motion and makes the following findings and order:
4

5 **FINDINGS**

6 1. Arkema, Inc. and General Metals of Tacoma, Inc. ("Plaintiffs") filed a complaint in
7 this case on February 1, 2005, asserting claims for contribution against defendant Echo Lumber Co.
8 (the "Settling Defendant") and other defendants under the Comprehensive Environmental Response,
9 Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9613(f) and the Washington Model
10 Toxics Control Act ("MTCA"), RCW 70.105D.080, and contractual indemnity. Plaintiffs' claims
11 are based upon response costs they allegedly incurred in responding to the release of hazardous
12 substances to an area known as the Head of the Hylebos which is a portion of the Hylebos Waterway
13 Problem Area located within the Commencement Bay Nearshore/Tideflats Superfund Site, a
14 designated National Priorities List site in Tacoma, Washington (the "Site").
15
16

17 2. Certain defendants in this case have asserted cross-claims for contribution and/or
18 indemnity against other defendants, including the Settling Defendant, under CERCLA, MTCA and
19 other state and federal laws.

20 3. The Plaintiffs have entered into a good faith settlement agreement dated February 3,
21 2007 with the Settling Defendant (the "Settlement"). The Settlement releases the Settling Defendant
22 from claims asserted by the Plaintiffs. The Settlement is contingent upon this Court's approval and
23 issuance of an order dismissing and barring claims against the Settling Defendant.
24

25 4. Plaintiffs and the Settling Defendant negotiated at arms-length and considered the
26 strengths and risks of their respective cases, evidentiary and legal issues as known at this time, and
27 the expenses of litigation.
28

5. The Settlement and the application of the principles of section 6 of the Uniform
Comparative Fault Act, 12 U.L.A. 126-53 (1996), with respect to the Settlement's effect on

nonsettling defendants in this case are fair and consistent with the purposes of CERCLA and the strong federal policy favoring settlements.

ORDER

IT IS HEREBY ORDERED that:

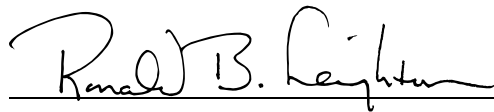
1. The Settlement is approved and all claims by Plaintiffs against the Settling Defendant are hereby DISMISSED, WITH PREJUDICE.

2. All claims for contribution against the Settling Defendant relating to the Site under CERCLA, MTCA or any other applicable federal or state laws are hereby BARRED and DISMISSED, WITH PREJUDICE, including those claims asserted by the remaining, nonsettling defendants.

3. The principles of Section 6 of the Uniform Comparative Fault Act, 12 U.L.A. 147 (1996) shall govern the effect of the Settlement on Plaintiffs' claims against nonsettling defendants and that Plaintiffs' recovery, if any, against the nonsettling parties shall be reduced by the Settling Defendant's equitable and proportionate share of liability for response actions at the Site, as equitable shares may be determined at trial.

Done this 9th day of March, 2007.

BY THE COURT:



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE